REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-4 and 24. Claims 1-4 and 24 are amended herein. No new matter is presented. Claims 5-23 remain withdrawn.

Thus, claims 1-4 and 24 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 112:

Claims 1-4 and 24 were rejected under 35 U.S.C. § 112 as being indefinite. Claims 1-4 and 24 are amended herein for clarification.

The claimed method and apparatus for controlling image data includes "inputting control information externally-produced" and "designating a processing for arbitrarily designated partial image data of the moving image data inputted through said moving image source input unit." As illustrated in Fig. 1, the encoder (10) includes an "information input unit" receiving area information and an "image source input unit" receiving moving image data data containing frames as predetermined image units.

It is submitted that the features in claims 1-4 and 24 are sufficiently described in Fig. 1 and corresponding text and comply with the requirement of 35 U.S.C. § 112¶1.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1, 3 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,883,678 (Yamaguchi), and claim 24 was rejected as being anticipated by U.S. Patent No. 5,818,970 (Ishikawa).

Independent claim 1, by way of example, recites, "control information externally-produced and designating a processing for arbitrarily designated partial image data of the moving image data inputted through said moving image source input unit, said processing being implemented to the moving image data in entirety." Claim 1 further recites, "integrating the compressed moving image data from the moving image data encoding unit with the compressed control information from the control information encoding unit."

Similarly, claims 2-4 recite information "externally-produced" and defining "arbitrarily designated" partial image data including processing the moving image data in "entirety" based on the information externally-produced and defined.

The Examiner maintains the comparison of Yamaguchi that encodes/decodes alpha-map information of subsidiary video information representing a shape of an object in a frame with the claimed invention. According to Yamaguchi, the conversion circuits for resolution reduction/enlargement conversion encode an alpha map at a reduction (or enlargement) ratio corresponding to a given ratio (see, col. 12, lines 18-25 and Figs. 5A and 5B). That is, Yamaguchi simply encodes the binary picture according to a given reduction or enlargement ratio.

The Examiner also points to col. 23, lines 1-14 as teaching "designating an arbitrary portion among portions forming the moving image data and defining the arbitrary portion as control information for the moving image data in entirety...", recited in claim 24. However, this portion of Yamaguchi specifically states:

> " In a case where the region occupied by the object in a while frame is very small as shown in FIG. 29A, the amount of codes is sometimes reduced by encoding an alpha-map signal of the small region containing the object, as shown in FIG. 29B, rather than an alpha-map signal of the whole frame. If this is the case, the size of the small region and the positional relationship in the frame must be known. Therefore, the position address of an upper left corner S of a small region, which represents the position of the small region, and the dimensions (h, v) of the small region in the (horizontal, vertical) directions are additionally encoded as additional information. Furthermore, to reduce the amount of codes of S and (h, v), the small region is so set as to be an integral multiple of a block which is a processing unit of encoding enclosed within the broken lines in FIG. 29A. Consequently, S and (h, v) can be expressed by block addresses."

(col. 23, lines 1-14 of Yamaguchi).

As can be seen from the above discussion, Yamaguchi does not teach or suggest each and every feature of claim 24 including "designating an arbitrary portion" and defining the arbitrary portion as "control information for the moving image data in entirety", as recited in claim 24. For the above-discussed reason, the Examiner does not appear to have established a priori case of anticipation. For this reason it is requested that the rejection be withdrawn.

On the other hand, Ishikawa is directed to extracting a character/line image and substituting image information corresponding to the extracted character/line image with substitution data. In particular, the extraction color determination circuit (2006) in Ishikawa simply compares input image information with pixel data corresponding to the maximum

frequency of the histogram and sets the corresponding pixel (see, Figs. 29 and 30 including corresponding texts).

Yamaguchi and Ishikawa, alone or in combination, do not teach or suggest each and every feature of the independent claims discussed above, including information "externally-produced" and designating "arbitrarily" partial image data and processing the moving image data "in entirety" in accordance with the information.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa.

The claimed moving image data controlling apparatus of claim 2 includes, "an area information input unit inputting area information externally-produced and defined for each arbitrarily designated predetermined partial image unit of the digital moving image data." Claim 2 further recites, "integrating the compressed area information... with the compressed digital moving image data from the digital moving image data encoding unit, where said digital moving image data is changed in entirety in accordance with said area information."

As mentioned above, Ishikawa simply extracts the high frequency component of an image (see, col. 6, lines 3-10 and col. 20, lines 10-25).

Ishikawa does not teach or suggest "inputting area information externally-produced and defined for each arbitrarily designated predetermined partial image unit", "integrating the compressed area information, where said digital moving image data is changed in entirety in accordance with said area information", as recited in claim 2.

On page 5 of the outstanding Office Action, the Examiner indicates that Ishikawa does not particularly disclose digital images and indicates that an Official Notice is taken that it is well known in the art. The Examiner further states that it would have been obvious to a person of ordinary skill employing a moving image data controlling apparatus as taught by Ishikawa to substitute the moving image source with the digital moving image source. Applicants respectfully traverse the Examiner's statement because supporting evidence related to what has been concluded as well known has not been provided, and request that the Examiner produce authority for the statement.

Applicants also respectfully point out that only that which is capable of instant and unquestionable demonstration may be characterized as being well-known (see, M.P.E.P. § 2144.03(A) (the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Further, even if the Examiner's assertion and rejection based on common knowledge ("well known") is valid, the claimed invention is distinguishable as discussed above.

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 02/23/2007

By: Temnit Afework

Temnit Afework
Registration No. 58,202

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501